

Final NSPS XXX/Cf Rules Rulemaking, Changes, & Implementation

Environmental Show of the South
Chattanooga, Tennessee
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Presentation Outline

- History of NSPS Regulations
- Changes Under NSPS XXX
- Implementation of NSPS XXX
- Legal Actions Around NSPS XXX/Cf Rules
- Status of NSPS Cf
- What's next?

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NSPS Subpart WWW

- Promulgated in 1996
- NSPS for new sources, EG for existing ones
- GCCS requirements for sites with design capacity over 2.5 million megagrams (Mg) and 2.5 million cubic meters and with > 50 Mg/yr NMOC emissions
 - Control emissions by collecting the gas and sending to treatment system or combustion device.
 - Considerable monitoring, recordkeeping, reporting requirements.

Emissions Guidelines

- Emission Guidelines (EG) are established for existing sources under CAA section 111(d).
- Provide guidance for regulating landfill gas emissions which the States are required to implement through individual State plans.
- Current EG (40 CFR Subpart Cc) applies to existing landfills that accepted waste on or after November 8, 1987 and commenced construction or modification before May 30, 1991.

NSPS XXX/Cf Rulemaking

- On July 17, 2014 EPA published two notices of rulemaking:
 - Proposed NSPS for MSW landfills – Subpart XXX
 - Advanced Notice of Proposed Rulemaking requesting public input on reducing emissions from existing MSW landfills
- On August 27, 2015 EPA published two notices of rulemaking:
 - Supplemental Proposed NSPS for MSW landfills – Subpart XXX
 - Proposed Emissions Guidelines (EG) and Compliance Times for MSW landfills – Subpart Cf

NSPS XXX/Cf Rulemaking (cont.)

- On August 28, 2016 EPA published two final rules:
 - New NSPS for MSW landfills – Subpart XXX
 - New EG and Compliance Timelines for MSW Landfills – Subpart Cf
- Both new rules became effective October 28, 2016

NSPS XXX Rule Applicability

- Applies to MSW landfills that commenced construction, reconstruction, or modification after July 17, 2014.

What is a modification?

- Defined as an increase in the permitted volume design capacity by either lateral or vertical expansion based on its permitted design capacity as of July 17, 2014.

What does commenced construction mean?

- Any preparation for an expansion.
 - Vertical expansion may be waste placement or might be slope modifications to accommodate the expansion above.
 - Horizontal/lateral expansions are likely beginning of cell liner.
- Does not mean removing soil from borrow area that will be a future expansion area.

Audience Participation

- **Example 1.** A landfill received a permit for a horizontal expansion in December 2016. They began working on grading for the expansion in August 2017.
- **Question:** What NSPS rule applies to this facility?
- **Answer:** This landfill commenced construction on the expansion after July 17, 2014, therefore NSPS XXX applies. Any landfill with an expansion permitted AFTER July 17, 2014 will become subject to NSPS XXX when they commence construction on the expansion.

Audience Participation

- **Example 2.** A landfill received a permit for a lateral expansion in March 2013. They removed soil from this area for site operations beginning in August 2013. Construction of the expansion began in August 2014.
- **Question:** What NSPS rule applies to this facility?
- **Answer:** This landfill commenced construction on the expansion after July 17, 2014, therefore NSPS XXX applies.

Audience Participation

- **Example 3.** A landfill received a permit for a lateral expansion in June 2012 and commenced construction of the expansion cell in October 2013.
- **Question:** What NSPS rule applies to this facility?
- **Answer:** This landfill commenced construction on the expansion before July 17, 2014, therefore NSPS WWW applies.

Legacy NSPS WWW Reference in NESHAP AAAA

- NESHAP AAAA lists requirements for startup, shutdown, and malfunction events and requires compliance with NSPS WWW or NSPS Cc (EG).
- Overlapping applicability of old and new NSPS/EG rules is threshold issue that contravenes the Clean Air Act.
- NESHAP AAAA needs to be revised to require compliance with new rules.

For now, comply with NSPS WWW and XXX

Applicability of Subpart Cf Emissions Guidelines

- Will apply to existing MSW landfills that accepted waste after November 8, 1987 and commenced construction, reconstruction, or modification on or **before** July 17, 2014.
- This rule will replace both the existing NSPS rule (Subpart WWW) and the existing EG (Subpart Cc).
- It will apply to all existing landfills that have not been expanded or were not newly constructed after July 17, 2014.
- EPA guidelines must be implemented at state level so there will be a lag time once EG is issued final.

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Changes Under NSPS XXX/Cf

- Thresholds for installing GCCS
- Closed landfill subcategory
- Monthly wellhead monitoring
- Surface emissions monitoring
- Tier 4 demonstration
- Startup, shutdown, and malfunction (SSM)
- Updating GCCS design plans
- LFG Treatment

Thresholds For Installing Controls

WWW & EG

- NMOC emission threshold of 50 Mg/yr
- Design capacity threshold of 2.5 million megagrams (mass) and 2.5 million cubic meters (volume)

XXX & Cf

- NMOC emission threshold of 34 Mg/yr
- Design capacity remains the same
- Creates Subcategory for Closed Landfills

Closed Landfills Subcategory

WWW & EG

- None

Only Cf

- Allows subcategory for landfills closed on or before September 27, 2017
- Maintain 50 Mg/yr NMOC threshold for GCCS controls

Monthly Wellhead Monitoring

WWW & EG

- Pressure – must be negative
- Nitrogen or oxygen concentration – must be less than 5%
- Temperature – less than 131 degrees F
- Includes corrective actions for fluctuations

XXX & Cf

- Pressure & Temperature – no changes
- Monitor nitrogen / oxygen, but no target values
- Removes corrective actions for oxygen fluctuations
- Adds Root Cause and Corrective Action Analyses for exceedances of Temperature & Pressure

Wellfield Operations

- If Pressure ≥ 0 in H₂O or Temperature $\geq 131^{\circ}\text{F}$
 - Step 1: Initiate corrective action within 5 calendar days.
 - Step 2: If exceedance goes >15 days, must conduct **root cause analysis** & correct as soon as practicable, but not later than 60 days after initial exceedance.
 - Step 3: If compliance cannot be achieved >60 days, conduct a **corrective action analysis** & develop an implementation schedule to achieve compliance as soon as practicable, but not > 120 days following the initial exceedance.
 - Step 4: If compliance cannot be achieved within 120 days, submit the **root cause analysis**, **corrective action analysis**, and corresponding implementation timeline to the Administrator within 75 days of initial exceedance.

Root Cause Analysis

- An assessment conducted through a process of investigation to determine the primary cause, and any other contributing causes, of positive pressure at a wellhead.

Corrective Action Analysis

- A description of all reasonable interim and long-term measures, if any, that are available, and an explanation of why the selected corrective action(s) is/are the best alternative(s), including, but not limited to, considerations of cost effectiveness, technical feasibility, safety, and secondary impacts.

Well Compliance WWW vs XXX

- Oxygen and Nitrogen exceedances do not need to be corrected under NSPS XXX.
- But, NESHAP AAAA requires compliance with NSPS WWW.
- Until EPA revises NESHAP AAAA or offers clarification to resolve this conflict, landfills operating under NSPS XXX do need to continue to correct and report oxygen and nitrogen exceedances.

Audience Participation

- **Example 4.** A landfill is subject to NSPS XXX because they permitted and commenced construction on a expansion after July 17, 2014. They monitored a well last week and it had an oxygen reading of 10%.
- **Question:** True or False – They do not have to perform a corrective action for oxygen at this well?
- **Answer:** False – Even though this landfill is subject to NSPS XXX, they don't have to be operating the landfill under the monitoring requirements under NSPS XXX until 2.5 years from when they triggered the new rule. The earliest this would be is May 2019 BUT that is only if EPA resolves the issue with NESHAP AAAA referencing NSPS WWW.

Surface Emissions Monitoring

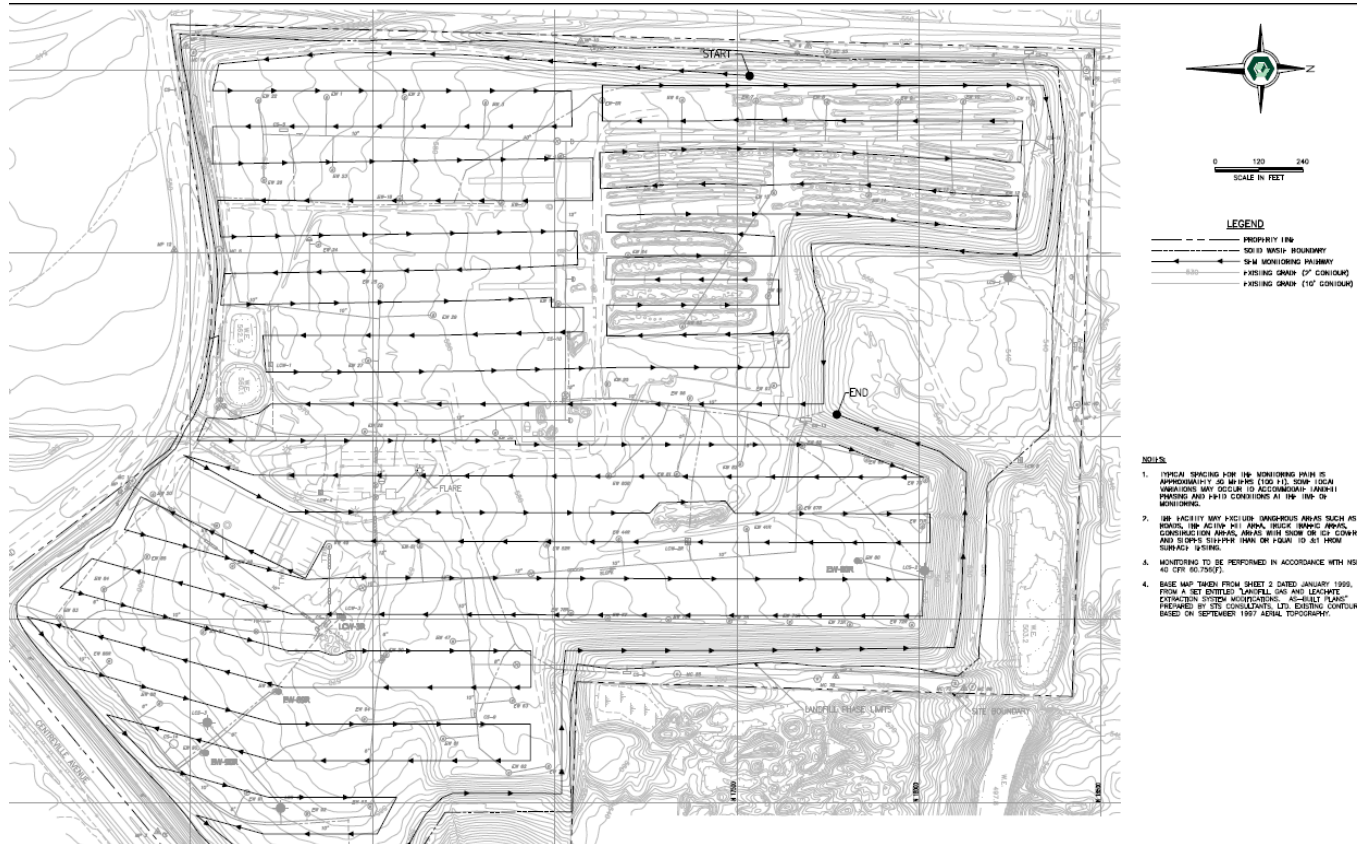
WWW & EG

- Quarterly methane scan at 30 meter interval traversing the landfill and around the perimeter

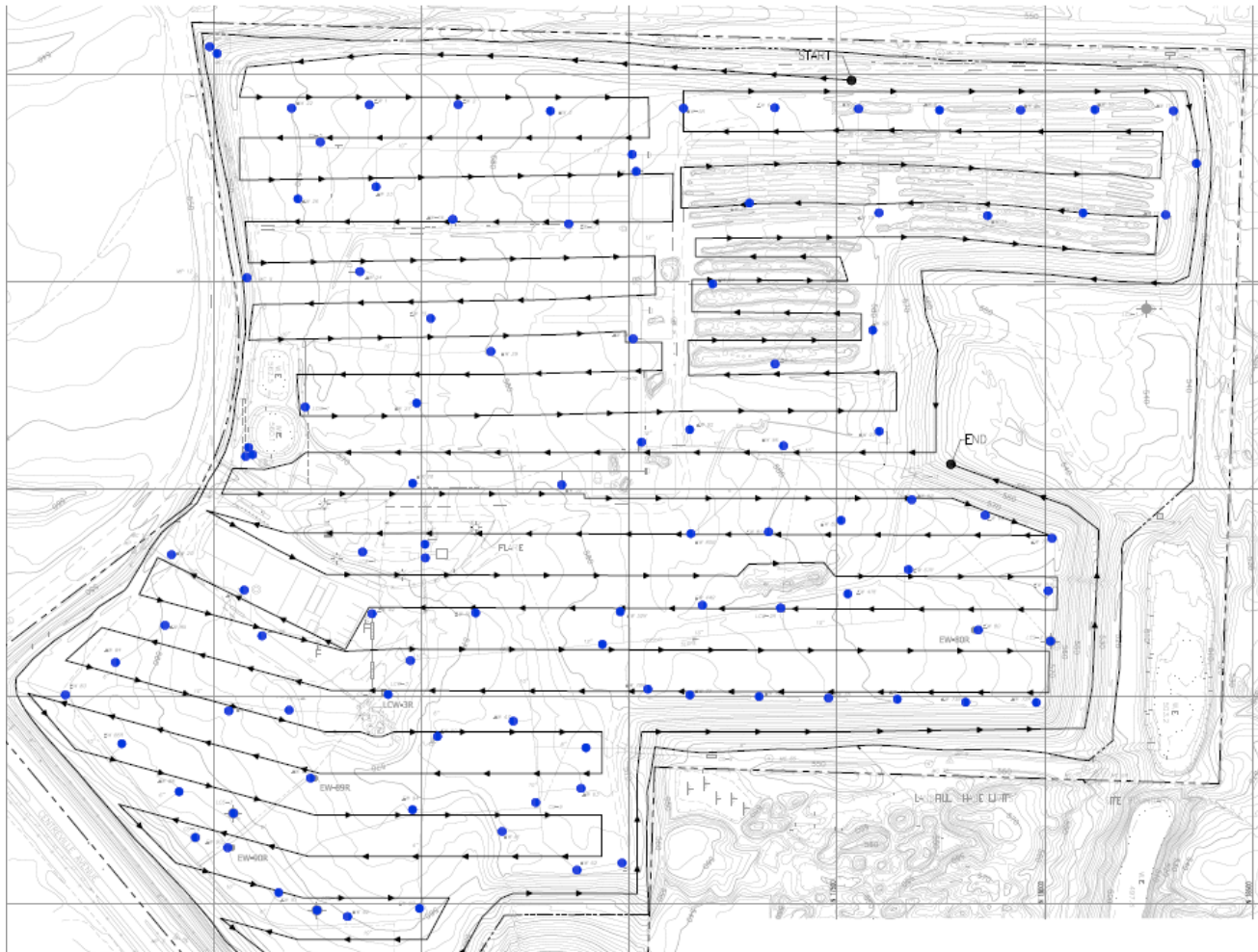
XXX & Cf

- Quarterly methane scans at all cover penetrations and openings
- GPS coordinates at least 4 meter accuracy and 5 decimal places for each exceedance

Surface Emissions Monitoring under WWW



Surface Emissions Monitoring under XXX



0 120 240
SCALE IN FEET

LEGEND

- PROPERTY LINE
- SOLID WASTE BOUNDARY
- MONITORING PATHWAY
- EMISSIONS (2' CONTOUR)
- EMISSIONS (10' CONTOUR)
- COVER PENETRATION

NOTES

1. TYPICAL SPACING FOR THE MONITORING PATH IS APPROXIMATELY 50 METERS (150 FT.). SOME LOCAL VARIATIONS MAY OCCUR TO ACCOMMODATE LATERAL FENCING AND FIELD CONDITIONS AT THE TIME OF MONITORING.
2. THE FACILITY MAY INCLUDE CAUTIONARY AREAS SUCH AS ROADS, THE ACTIVE FILL AREA, TAILOR TRAP, AND CONSTRUCTION AREAS WITH SIGN OR FENCE COVER AND SLOPE TEE OR TANK OR EQUAL TO 3:1 FROM SURFACE TOWARD.
3. MONITORING TO BE PERFORMED IN ACCORDANCE WITH NPS 40 CFR 80.755(f).
4. DATA WAS TAKEN FROM SHEET 2 DATED JANUARY 1999, FROM A SET OF 100' LATERAL AND 10' VERTICAL EMISSIONS SITES MONITORING. ACTUAL PLANT FENCING BY THE CONSULTANT, LTD. EMISSIONS CONTOURS BASED ON OCTOBER 1997 AERIAL TOPOGRAPHY.

Surface Emissions Monitoring (SEM)

- Monitor surface methane emissions every calendar quarter.
- Monitor the perimeter of the collection area and along a pattern that traverses the landfill at no more than 30-meter intervals.
- Monitor where visual observations indicate elevated concentrations of LFG including distressed vegetation, cracks or seeps in the cover, all cover penetrations.
- Report each location of methane readings of 500 ppm or more, determine the coordinates (Latitude/Longitude) using an instrument with an accuracy of at least 4 meters with coordinates in decimal degrees with at least 5 decimals .

Tier 4 Demonstration

WWW & EG

- Tier 1 – calculated NMOC mass emission rate (conservative)
- Tier 2 – site-specific NMOC concentration by sampling
- Tier 3 – site specific methane generation rate constant (rarely used)

XXX & Cf

- No change to Tiers 1, 2, & 3
- Added Tier 4 option
- Can use even if over design capacity and NMOC concentration over thresholds
- Site demonstrates 4 consecutive quarters below 500 ppm methane
- 30-meter interval path with winds < 5 mph

Tier 4 Demonstration (cont.)

- Tier 4 is a surface methane emissions demonstration of when a GCCS would be required under NSPS XXX.
- Can use even if over design capacity and NMOC concentration over thresholds
- A good idea (in theory) for sites that are over design capacity and NMOC thresholds, but have good cover and low methane.

Tier 4 Demonstration (cont.)

- Sites can use the Tier 4 demonstration to see what actual site values are of methane and attempt to delay the GCCS requirements even after they have reached the design capacity and NMOC thresholds in the rules.
- Surface emissions monitoring demonstration showing 4 consecutive quarters below 500 ppm methane – for open landfills, continue demonstration every quarter thereafter.
- Monitoring probe no more than 5 cm above the surface of the landfill, using a wheel on a pole to ensure consistent height.
- Must use a wind barrier (funnel) when on-site average wind speed exceeds 4 miles per hour or gusts exceed 10 miles per hour.

Tier 4 Demonstration (cont.)

- Tier 4 monitoring cannot be conducted if average wind speed exceeds 25 miles per hour.
- Monitor entire surface at no more than 30-meter interval path; visual observations indicate elevated concentrations of landfill gas; **all cover penetrations.**
- Any measured methane concentration of 500 ppm or greater requires GCCS install & operated within 30 months of exceedance.
- Can NOT default back to Tier 1, 2 or 3 if Tier 4 demonstration fails.
- Additional agency notification requirements for Tier 4 demonstration.

Tier 4 Demonstration (cont.)

- A great idea, but not at all practical!!!

Audience Participation

- **Audience Poll:** Who wants to be the first site to attempt a Tier 4 Demonstration?

Startup, Shutdown, and Malfunction (SSM)

WWW & EG

- Applies at all times **except** during SSM periods
- 5-day GCCS and 1-hour treatment or control devices downtime limitations for SSM events
- Required SSM plan

XXX & Cf

- Require compliance at **all** times when the system is operating except for monitoring equipment malfunction
- Eliminate 1-hour/5-day allowable downtime
- New work practice standard replaces SSM plan

Startup, Shutdown, Malfunction (SSM)

- NSPS XXX applies at all times, except for periods of monitoring system malfunctions, repairs associated with monitoring system malfunctions, and required monitoring system quality assurance or quality control activities.
- If the GCCS is not operating, the GCCS must be shut down; all valves that could contribute to venting must be closed within 1 hour of the GCCS not operating.
- The landfill owner or operator must also keep records and submit reports of all periods when the collection and control device is not operating.

Startup, Shutdown, and Malfunction (SSM)

- A monitoring system malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring system to provide valid data.
- Monitoring system failures that are caused in part by poor maintenance or careless operation are not malfunctions.
- You are required to complete monitoring system repairs in response to monitoring system malfunctions and to return the monitoring system to operation as expeditiously as practicable.

Updating GCCS Design Plan

WWW & EG

- Initial GCCS design plan within 1 year of NMOC of 50 Mg/yr
- No clarification on updating

XXX & Cf

- Within 90 days of waste placement in an area not previously covered
- Before expanding GCCS to an area not described in prior design plan
- Requires agency approval or else operating “at own risk”

LFG Treatment

Subpart WWW

- No specifics in rule

XXX & Cf

- Requires monitoring plan approved by agency
- Includes recordkeeping to demonstrate proper operation of system
- Allows treated LFG to be used in other beneficial use devices

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- History of NSPS Regulations
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- Implementation of NSPS XXX
- Legal Actions Around NSPS XXX/Cf Rules
- Status of NSPS Cf
- What's next?

Review of Rule Applicability

- Applies to MSW landfills that commenced construction, reconstruction, or modification after July 17, 2014.

What is a modification?

- Defined as an increase in the permitted volume design capacity by either lateral or vertical expansion based on its permitted design capacity as of July 17, 2014.

What does commenced construction mean?

- Any preparation for an expansion.
 - Vertical expansion may be waste placement.
 - Horizontal/lateral expansions are likely beginning of cell liner.
- Does not mean removing soil from borrow area that will be a future expansion area.

Initial Actions to Comply with NSPS XXX

- Initial Reporting
- Site-Specific Treatment Monitoring Plan
- Initial Performance Test
- Updates to Operating Permit
- Liquids Addition Reporting
- Electronic Reporting

Initial XXX Reporting

- Initial Design Capacity/NMOC Emission Rate Report
 - By November 28, 2016 for landfills that were constructed, reconstructed, or modified between July 17, 2014 and August 29, 2016
 - Within 90 days for affected landfills after date of commenced construction
- GCCS Design Plan
 - Within 1 year of NMOC emission rate report ≥ 34 Mg/year

Site-Specific Treatment Monitoring Plan

- Sites with LFG treatment system must develop site-specific treatment monitoring plan to assure proper operation
- Submit as part of GCCS Design Plan
- The plan (and records) be complete when the initial GCCS design plan is submitted

Initial Performance Test

- Submit test report within 180 days after the initial startup of the approved control system
- This means that sites with existing flares that were tested to comply with NSPS WWW will need to retest existing flares once NSPS XXX is fully implemented

Updates to Operating Permit

- For sites that do not have an existing Title V Operating Permit, then submit:
 - By November 28, 2016 for landfills that were constructed, reconstructed, or modified between July 17, 2014 and August 29, 2016
 - Within 90 days for affected landfills after date of commenced construction
- For sites have an existing Title V Operating Permit, submit modification according to Title V rule requirements

Work with your air permitting agency

Liquids Addition Reporting

- Volume of leachate recirculated (gal/year) & the reported basis for those estimates (records or engineering estimates)
- Total volume of all other liquids added (gal/year) & the reported basis for those estimates (records or engineering estimates)
- Surface Area (acres) over which the leachate is recirculated or otherwise applied
- Surface area (acres) over which any other liquids are applied
- Total waste disposed (Mg) in the areas with recirculated leachate/added liquids based on on-site records or engineering estimates

Electronic Reporting

- Submit electronic copies of:
 - ✓ Certain required performance test reports
 - ✓ NMOC emission rate reports
 - ✓ NSPS annual reports
 - ✓ Tier 4 emission rate reports
 - ✓ Liquids addition reports

Summary – First Actions

	Sites commence construction, reconstruction, modification between 7/17/14 and 8/29/2016		For sites that commenced construction, reconstruction, or modification after August 29, 2016
Action	Deadline		Deadline
Design Capacity Report	★	11/28/2016	Within 90 days of applicability
NMOC Emission Rate Report	★	11/28/2016	Within 90 days of applicability
GCCS Design Plan	★	Within 1 year NMOC Emission Rate Report \geq 34 Mg/year	
Initial Performance Test		Within 180 days of required installation date	
Site-Specific Treatment Monitoring Plan	★	By submittal of GCCS Design Plan	
Permit Modification	★	11/28/16 or as required by agency	As required by agency
Leachate Recirculation Reporting	★	Records start 8/29/2016 1 st report due 9/27/2017	When rule applicable
Electronic Reporting		TBD – register before 1st report due	

Timeline of NSPS XXX Applicability

Milestones in Site Modification	
Date Site Commenced Construction, Reconstruction, or Modification	12/6/2017
Date Site Became Subject to NSPS XXX	3/6/2018
Date Site Must Operate Under NSPS XXX Requirements	12/2/2020

Timeline of NSPS XXX Rule-Making	
Date NSPS XXX Proposed	7/17/2014
Date NSPS XXX Finalized	8/29/2016
Date NSPS XXX Effective	10/28/2016

Action		Deadline
Initial Design Capacity Report		6/4/2018
Initial NMOC Emission Rate Report		6/4/2018
GCCS Design Plan		6/4/2019
Initial Performance Test		Within 180 days of required installation date
Site-Specific Treatment Monitoring Plan		By submittal of GCCS Design Plan
Permit Modification		As Required by State Agency
Liquids Addition Reporting	Recordkeeping State Date	1/5/2019
	Initial Report Due Date	1/5/2020
	Subsequent Report Due Date	1/4/2021
Electronic Reporting		TBD – register before 1st report due
XXX GCCS Installed and Operational		12/2/2020

Date site commenced construction of expansion

Dates of initial submittals required by NSPS XXX

Date site must implement NSPS XXX rules

Audience Participation

- **Example 5.** A landfill received a permit for a lateral expansion in September 2014 and commenced construction of the expansion cell in October 2016.
- **Question:** What NSPS rule applies to this facility?
- **Answer:** This landfill commenced construction on the expansion after July 17, 2014, therefore NSPS XXX applies.
- **Question:** When is the first NSPS XXX submittal due?
- **Answer:** The initial notification is due November 28, 2016 – this landfill is in the initial bundle of landfills subject to NSPS XXX before August 28, 2017.

Audience Participation

- **Example 6.** A landfill received a permit for a vertical expansion in January 2017 and commenced construction of the expansion in November 1, 2017.
- **Question:** What NSPS rule applies to this facility?
- **Answer:** This landfill commenced construction on the expansion after July 17, 2014, therefore NSPS XXX applies.
- **Question:** When is the first NSPS XXX submittal due?
- **Answer:** The initial notification is due 90 days from when NSPS XXX became applicable (January 30, 2018).

Presentation Outline

- History of NSPS Regulations
- Changes Under NSPS XXX
- Implementation of NSPS XXX
- Legal Actions Around NSPS XXX/Cf Rules
- Status of NSPS Cf
- What's next?

Stay of NSPS XXX/Cf

- Industry petition filed on October 27, 2016
- Petition filed by legal counsels for SWANA, NWRA, WM and Republic
- Requests proceeding for reconsideration of final rules

ORAL ARGUMENT NOT YET SCHEDULED

IN THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

NATIONAL WASTE & RECYCLING)	
ASSOCIATION,)	
SOLID WASTE ASSOCIATION)	
OF NORTH AMERICA,)	
WASTE MANAGEMENT, INC.,)	
WASTE MANAGEMENT DISPOSAL)	
SERVICES OF PENNSYLVANIA, INC.,)	
and REPUBLIC SERVICES, INC.)	Case No. <u>16-1372</u>
)	
Petitioners,)	
)	
v.)	
)	
UNITED STATES ENVIRONMENTAL)	
PROTECTION AGENCY, and)	
REGINA A. MCCARTHY, Administrator,)	
United States Environmental Protection Agency,)	
)	
Respondents.)	

PETITIONERS' NONBINDING STATEMENT OF ISSUES

Pursuant to this Court's November 1, 2016 Order, Document No. 1643902, and Circuit Rule 28(a)(1), Petitioners submit the following nonbinding statement of issues in support of their Petition for Review of the final rule of the United States Environmental Protection Agency (EPA) published in the *Federal Register*

Stay of NSPS XXX/Cf

- USEPA response to petition on May 5, 2017
- Response from Administrator Pruitt to petitioners
- Intent to Stay of the effectiveness of NSPS Subpart XXX and emissions guidelines (Subpart Cf)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

May 5, 2017

THE ADMINISTRATOR

Mr. Carroll W. McGuffey III
Mr. M. Buck Dixon
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Atlanta, Georgia 30308

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Ms. Carol F. McCabe
Mr. Michael Dillon
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Manko, Gold, Katcher & Fox
401 City Avenue, Suite 901
Bala Cynwyd, Pennsylvania 19004

RE: Convening a Proceeding for Reconsideration of final rules entitled "Standards of Performance for Municipal Solid Waste Landfills," 81 Fed. Reg. 59332 and "Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills," 81 Fed. Reg. 59276, both published August 29, 2016.

Dear Mr. McGuffey, Mr. Dixon, Mr. Shanoff, Mr. Kraushaar, Ms. McCabe and Mr. Dillon:

This letter concerns a petition from National Waste & Recycling Association, Solid Waste Association of North America, Republic Services, Inc., Waste Management, Inc., and Waste Management Disposal Services of Pennsylvania, Inc., dated October 27, 2016, to the U.S. Environmental Protection Agency requesting reconsideration, and in some circumstances an administrative stay, of provisions included in the EPA's final rules entitled "Standards of Performance for Municipal Solid Waste Landfills," 81 Fed. Reg. 59332 (August 29, 2016) (i.e. the NSPS), and "Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills,"

Stay of NSPS XXX/Cf

[FR Doc. 2017-10968 Filed 5-30-17; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA-HQ-OAR-2003-0215 and EPA-HQ-OAR-2014-0451; FRL-9963-19-OAR]

RIN 2060-AT62

Stay of Standards of Performance for Municipal Solid Waste Landfills and Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Stay.

SUMMARY: By a letter dated May 5, 2017, the Administrator announced the convening of a proceeding for reconsideration of certain requirements in the final rules, “Standards of Performance for Municipal Solid Waste Landfills,” and “Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills,” both published on August 29, 2016. In this action, the EPA is staying subparts, which were added or revised by the two rules, for 90 days pending reconsideration.

DATES: Title 40 CFR part 60, subpart Cf, and 40 CFR part 60, subpart XXX, are stayed from May 31, 2017 until August 29, 2017.

What Did The Stay Mean for XXX/Cf?

- The administrative reconsideration proceeding was focused on the following topics:
 1. Tier 4 surface emission monitoring
 2. Annual liquids reporting
 3. Corrective action timeline procedures
 4. Overlapping applicability with other rules
 5. The definition of cover penetration
 6. Design plan approval
- The Stay expired on August 29, 2017 and EPA did not take any further action
- **NSPS XXX and Cf are again in effect**

Audience Participation

- **Example 7.** A landfill received a permit for a landfill expansion on March 2016 and commenced construction on the expansion in July 1, 2017.
- **Question:** What date did the NSPS XXX rules become effective?
- **Answer:** This landfill commenced construction during the Stay of the NSPS XXX rules, so the official effective date is August 29, 2017 when they Stay expired. The initial notifications will be due 90 days after August 29, 2017.

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Status of NSPS Cf

- States were required to submit their state plans for the emissions guidelines (NSPS Cf) by May 30, 2017. EPA anticipated 3 months to review state plans.
- For states that submitted plans for Cf:
 - EPA will review the plan and propose the plan for approval or disapproval.
 - EPA will publish notices of state plan approvals or disapprovals in the Federal Register.
- States that failed to (or chose not to) submit plans for Cf are not subject to any sanctions
- EPA will also revise the existing federal plan to incorporate Cf. The revised federal plan will apply to states that either never submitted a state plan and those who did not receive approval of their state plan (until a revised plan is submitted and approved).

Status of NSPS Cf

“Since the Agency is reconsidering various issues regarding the landfill regulations, at this time we do not plan to prioritize the review of these state plans, nor are we working to issue a Federal Plan for the states that failed to submit a state plan”

EPA Offers Public Clarification on Timeline for NSPS EG Landfill Rules, Waste Dive, 10/31/2017

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What's Next?

NSPS XXX

Initial Sites

Sites that expanded after July 17, 2014 and before August 29, 2016

- Continue to comply with NSPS WWW and NESHAP AAAA
- Initial submittals complete
- Implement NSPS XXX 30 months from submittal of initial NMOC report over 34 Mg/year - May 29, 2019

New Sites

Sites with expansions after August 29, 2016

- Continue to comply with NSPS WWW and NESHAP AAAA
- Track timing of initial submittals based on NSPS XXX trigger date
- Implement NSPS XXX 30 months from submittal of initial NMOC report over 34 Mg/year

NSPS Cf

All Sites

- Wait for EPA to develop Federal Plan to incorporate Cf
- Wait for approval of state plans
- Consider Tier 2 testing/retesting to demonstrate NMOC below 34 Mg/year threshold
- There's always Tier 4!

Any Questions?

Thank you!

Julie Hall

513.254.9224